

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FILED
CLERK'S OFFICE
SOUTHERN DISTRICT OF NEW YORK
★ MAR 14 2011 ★

CASE NO: 11-cr-60024-JEM

BROOKLYN OFFICE

U.S.A.

CR 11 - 214

Plaintiff(s),

MAUSKOPF, J.

CARTER, M.J.

v.

ALAN M. BERKUN

Defendant(s).

CLERK'S NOTICE OF CASE TRANSFER

Pursuant to the Order of Transfer entered on 3/7/11-Rule 20 Plea&Sentence, the above-style case is hereby transferred to the EASTERN DISTRICT OF NEW YORK. Enclosed are certified copies of the Order of Transfer and the Court's docket sheet and the following document(s):

CERTIFIED COPY OF INFORMATION

DONE at the Federal Courthouse, FORT LAUDERDALE, Florida, this

10 day of MARCH 2011.

STEVEN M. LARIMORE
Court Administrator • Clerk of Court

By: /S/
Deputy Clerk

CR 11 - 214FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 14 2011 ★

STB

**MAUSKOPE, L
CARTER, M.J.****U.S. District Court
Southern District of Florida (Ft. Lauderdale) BROOKLYN OFFICE
CRIMINAL DOCKET FOR CASE #: 0:11-cr-60024-JEM-1
Internal Use Only**

Case title: USA v. Berkun

Date Filed: 02/08/2011

Date Terminated: 03/07/2011

Assigned to: Judge Jose E. Martinez

Defendant (1)**Alan M. Berkun***TERMINATED: 03/07/2011***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None



Terminated CountsDECLARE UNDER PENALTY OF
PERJURY
(1)**Disposition**Transferred to Eastern District of New
York Under Rule 20 for Plea and
Sentence**Highest Offense Level (Terminated)***Felony***Complaints**

None

Disposition*Amie Sandlin
3/8/11***Plaintiff****USA**represented by **Jeffrey A. Neiman**
United States Attorney's Office
Southern District of Florida
500 East Broward Boulevard
7th Floor
Fort Lauderdale, FL 33394
954-356-7255 ext 3595

Email: jeffrey.a.neiman@usdoj.gov
ATTORNEY TO BE NOTICED

Matthew J. Mueller
United States Attorney's Office
99 NE 4 Street
Miami, FL 33132
Email: Matthew.J.Mueller@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/08/2011	 <u>1</u>	INFORMATION as to Alan M. Berkun (1) count(s) 1. (rby) (Entered: 02/08/2011)
03/07/2011	 <u>2</u>	CONSENT TO TRANSFER JURISDICTION (Rule 20) to Eastern District of New York Counts closed as to Alan M. Berkun (1) Count 1. (lk) (Entered: 03/08/2011)

USA-153 Consent to Transfer of Case for Plea and Sentence (Under Rule 20)

CR 11 - 214

In the United States District Court

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 14 2011 ★

for the SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

V.

ALAN M. BERKUN

BROOKLYN OFFICE

CRIMINAL NUMBER:

11-CR-60024-CR-MARTINEZ

MAUSKOPF, J.
CARTER, M.J.

Consent to Transfer of Case for Plea
and Sentence
(Under Rule 20)

FILED BY: [Signature]
2011 MAR -7 AM 4:33
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA-FIL

I, ALAN M. BERKUN, defendant, have been informed that an (*indictment, information, complaint*) is pending against me in the above designated cause. I wish to plead GUILTY to the offense charged, to consent to the disposition of the case in the EASTERN District of NEW YORK in which I, ALAN M. BERKUN, (am under arrest, am held) and to waive trial in the above captioned District.

Dated: 3/4 2011 at 2:30 p.m.

Alan M. Berkun / Alan M. Berkun
(Defendant)

(Witness)

Dianna H. Fischer
(Counsel for Defendants)

[Signature]
(Assistant United States Attorney)

Approved

Certified to be a true and correct copy of the document on file
Steven M. Larimore, Clerk,
U.S. District Court
Southern District of Florida
By: [Signature]
Deputy Clerk
Date: 3/8/11

LORETTA E. LYNCH
United States Attorney for the
EASTERN

District of

NEW YORK

WIFREDO A. FERRER
United States Attorney for the

SOUTHERN

District of

FLORIDA

U.S. Department of Justice

Rule 20 -- Transfer Notice

To: WIFREDO A. FERRER United States Attorney	District Southern District of Florida	Date
Name of Subject: ALAN M. BERKUN	Statute Violated 26 U.S.C. 7206(1)	File Data (Initials and Number)

Part A -- District of Arrest

- ☒ The above-named subject has been apprehended in this jurisdiction and indicates amenability to Rule 20 disposition of the charges pending against him in your court. Kindly indicate whether you are agreeable to Rule 20 disposition and forward two certified copies of indictment or information if any.
- ☐ Enclosed is a certified copy of waiver of indictment by defendant. Kindly file criminal information and forward two certified copies thereof.
- ☐ Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceeding or certified copies thereof to the Clerk of the Court in this district in accordance with the Rule Docket No.
- ☐ Other (Specify):
- ☐ The above-named defendant entered a plea of guilty under Rule 20.

Date of Plea Date of Sentence Sentence

From (Signature and Title) Loretta E. Lynch United States Attorney	Address 271 Cadman Plaza East Brooklyn, New York 11201
--	--

Part B -- District of Offense

- ☒ I am agreeable to Rule 20 disposition.
- ☐ I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at _____ on _____ at _____ o'clock
- (Kindly notify me of any anticipated delay)
- ☐ Enclosed are two certified copies of indictment or information Docket No. _____
- ☐ Please have defendant execute waiver of indictment.
- ☐ Other (Specify):

Signature (Name and Title) WIFREDO A. FERRER United States Attorney	District Southern District of Florida	Date
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See United States Attorneys Manual 9-14.000 for an explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.
Replaces OBD-101, Fed. 83 edition may be used

FORM USA-231
NOV. 85

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 14 2011 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

11-cr-60024-JEM

26 U.S.C. § 7206(1)

FILED BY _____ D.C.

FEB -8 AM 9:29

STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA.

UNITED STATES OF AMERICA

vs.

ALAN M. BERKUN,

Defendant.

CR 11 - 214

MAUSKOPF, J.

CARTER, M.J.

INFORMATION

The United States Attorney charges that:

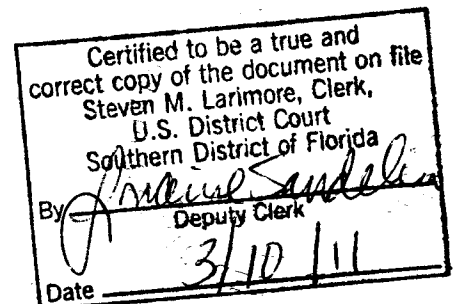
COUNT ONE

(26 U.S.C. § 7206(1))

On or about April 15, 2005, in Broward County, in the Southern District of Florida, the defendant,

ALAN M. BERKUN,

a resident of Deerfield Beach, Florida, willfully made and subscribed an IRS Form 1040, U.S. Individual Income Tax Return, for the tax year 2004, which was verified by a written declaration that it was made under the penalties of perjury and which ALAN M. BERKUN did not believe to be true and correct as to every material matter. That Form 1040, which was filed with the Director, Internal Revenue Service Center in Atlanta, Georgia, reported total income on line 22 in the amount of



\$15,698, whereas, as Berkun then and there knew and believed, the true and correct amount exceeded the reported amount.


In violation of Title 26, United States Code, Section 7206(1).



WIFREDO A. FERRER
UNITED STATES ATTORNEY

By: 

JEFFREY A. NEIMAN
ASSISTANT UNITED STATES ATTORNEY

By: 

MATTHEW J. MUELLER
TRIAL ATTORNEY
UNITED STATES DEPARTMENT OF JUSTICE
TAX DIVISION

UNITED STATES OF AMERICA

CASE NO. _____

vs.

Alan M. Berkun,

CERTIFICATE OF TRIAL ATTORNEY*

Defendant.

Superseding Case Information:

Court Division: (Select One)

New Defendant(s)

Yes _____ No _____

Number of New Defendants

Total number of counts

_____ Miami _____ Key West
X FTL _____ WPB _____ FTP

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

- Interpreter: (Yes or No) No
 List language and/or dialect _____

- This case will take 0 days for the parties to try.

- Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

- Has this case been previously filed in this District Court? (Yes or No) _____

If yes

Judge: _____

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

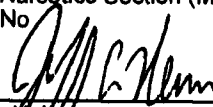
Defendant(s) in state custody as of _____

Rule 20 from the _____

District of _____

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No
- Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? _____ Yes X No


 Jeffrey A. Weisman
 ASSISTANT UNITED STATES ATTORNEY
 Florida Bar No./Court No. 544469

*Penalty Sheet(s) attached

REV. 4/8/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Alan M. Berkun **Case No:** _____

Count #1:

Fraud and False Statements; in violation of Title 26, United States Code, Sections 7206(1)

***Max. Penalty: 3 years' imprisonment; 1 year supervised release; \$250,000 fine.**

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

Count #:

***Max. Penalty:**

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.**